IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 19138 of 2004

Between:

Smt. A.Kala, W/o.E.Anandan, Mandal Praja Parishad President-pichatur, R/o.Ramapuram village, Pichatur Mandal, Chittoor Dist.

..... PETITIONER

AND

1 The District Collector - cum- Election Authority, Chittoor, Chittoor Dist.
2 The Revenue Divisional Officer, Tirupathi, Chittoor District.
3 The Mandal Parishad Development officer, cum Election officer, pichatur Mandal, Chittoor Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of writ of Mandamus calling for the records pertaining to no confidence motion moved against the petitioners on 01-10-2004 and declared the same as illegal, arbitrary, malafide, contrary to rules provided under A.P.Panchayat Raj Act and violative of principles of natural justice and consequentially set-aside the same in the interest of justice.

Counsel for the Petitioner: MR.A.CHANDRAIH NAIDU

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following :

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oral Order:

It is not within the province of this Court whether the meeting scheduled to be conducted at 10.30 A.M. or 12.30 P.M. as alleged by the petitioner. If really the meeting has not taken place as per the schedule time i.e. 10.30 A.M. on 27-09-2004 to consider no confidence motion, what prevented the petitioner to bring the same to the notice of the higher officials is not forthcoming. Merely if members of particular party have violated the whip, proper remedy for the petitioner is to move the Election Officer for disqualifying them who violated the whip. Having not made any complaint to the Election Officer and filing the present writ petition nearly after 15 days of the elections is only after thought.

The writ petition fails and it is accordingly dismissed. No costs.

_____ A.GOPAL REDDY, J.

14-10-2004

Murthy

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector - cum- Election Authority, Chittoor, Chittoor Dist.
2 The Revenue Divisional Officer, Tirupathi, Chittoor Dist.
3 The Mandal Parishad Development officer- cum - Election officer, Pichatur Mandal, Pitchatur, Chittoor District.

4 .2CCs to the Panchayat Raj & Rural Development, High Court Buildings,

Hyderabad (OUT)

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